### The Merald and Dieus GUILTY OR NOT GUILTY.

R. H. AULL, EDITOR.

### SUED FOR LIBEL.

The Greenwood Journal has been sued for libel in the sum of \$5,000 for stating that the evidence was strong and that the officers have suspected for sometime that a restaurant keeper of that city was handling contraband

A restaurant keeper in Greenwood is suing, for defamation of character, the editor of a newspaper who charged him with selling liquor in violation of the dispensary law. In Charleston-unfortunately-such an accusation wouldn't stir resentment and no jury could be persuaded that it was damaging. Charleston Post.

You do not mean to convey the idea or leave the impression that there is such a thing as a blind tiger in Charleston or a place where liquor is illegally sold. Perish the thought.

The report of the trustees of the graded school makes a good showing but is rather lengthy.

The Greenville Daily Herald was burned out recently but it still goes on. We extend our sympathy and commend the enterprise of our cotemporary.

#### PROSPERITY NEWS.

Prosperity, S. C. Oct. 1, 1903, The milinery opening last week under the direction of Mrs. W. A. Moseley in charge of milinery department of Moseley Bros, as well also as that of Mrs, S. W. Calmes were the attractions of

The Mt. Tabor people have projected many things for the improvement of their Church and surroundings. Their church building will be surmounted by a belfry and will be recovered and repainted. They will add to their comfort by adding another stove. Their Cemetery will be fenced in a neat wire feneing. Mrs. J. M. Wheeler spent a day at Little Mountain this week.

Miss Gertrude Bobb will begin teaching school in number eight Township next week.

Mr. R. M. Monts and family have returned to Plains, Ga. He taught school at St. Luke's last session, and it was hoped he would abide in his native county, but the strong tie that binds him to his Georgia home carried him back again.

Mr. F. A. Boland has also gone from us again. He has accepted work in the schools of Sumter county and left for his new home this week.

Mr. C. Cecil Wyche left today to resume his studies at the Citadel, Char-

Mr. I. H. Hunt, was on our streets yesterday.

The oil mill ginnery is now running and the long waits for cotton ginning are things of the past.

Mrs. G. S. Bearden, of Columbia, has been visiting her parents, Dr. R. L. Luther's family.

### Prosperity's Ladies' Missionary Society

The following is a communication from Prosperity which appeared in the last issue of the Associate Reformed Presbyterian:

"It has been quite a while since you heard from us, though it is not our

"Our Society is still living; in fact, it has taken on new life. We are few in number and seldom have a full meeting. We have lost six members in the last few years, five by death and one by removal

"Notwithstanding all this, our pledges are still the same \$10 to Home Missions and \$10 to Foreign Missions.

"We make quilts and sell them and in various other ways we raise the money makes a statement, I believe it is proper. for "Where there's a will, there's a way." We should like to hear from mind I do not believe that will render other Societies. Think they could give that statement incompetent. If hope some information that would be of value

"We should not do our duty if we young men Messrs. George Brown and be proper. Vassal Gallman. By request of our pastor they conducted our prayer meetings during his absence this summer attending the Bible Conference at All absolute and final. The jury was retired, Healing, Mr. Vassal Gallman conducted the prayer meetings and Mr. George Brown made an address at both meetings. Mr. Brown's subjects that not only must the patient believe he were, "Our Duty to Our Pastor" and is going to die, but death must be there, "The Pastor's Duty to His People." The congregation was very much pleased with the manner in which these two young men discharged their duties. They are noble, promising young men, and we know of few who could be of more service to our church. They both can pray in public and when God wants | short, the prosecution held that the statea thing done He always sets men to ment should be admitted because at the praying. This is ever the order of time it was made Mr Gonzales believed he progress in the divine kingdom. Moses prayed and Amalek was defeated; just before made the statement, "I was Samuel prayed and the Philistines fled. There is great power in prayer.

"Last, but not least, our pastor, Rev. C. M. Boyd, is giving us some first class preaching. It is "like the dew that in dying declarations in addition to upon the mown grass and like showers | the belief of the patient, death itself must upon the thirsty fields." Churck members are revived; men, not members, have been led to consider their spiritual | die immediately, hope was revived in his condition. His whole soul seems to be mind, he having acquiesced in an operathrown into His work, and may God tion, and that a revival of hope invaliaccompany the Word with His Holy dates a dying declaration. "C. D., Cor. Sec,"

on the day preceding the shooting. Vedder Zimmerman and Frances Wes ton Smith, aged 14 and 12 respectively, residents of Columbia, testified that two days before the shooting of Mr Gonzales they saw Col. Tillman standing in front of the skyscraper in Columbia talking to two gentlemen, with a pistol in his hip pocket showing through the split in his Prince Albert coat,

A DEADLY AIM.

H. Spann Dowling, a member of the Legislature from Bamberg, breakfasted with Mr Tillman in the latter's room in the Caldwell hotel the morning of the shooting F H Dominick and Bunch Tillman were present a part of the time He saw Mr. Tillman's two pistels and their mechanism was explained to him. He related a conversation between himself and Tillman in the jail on the afternoon of January 15, in which the prisoner said, "If I hit him where I aimed for, he is a dead man."

#### THE GUNSMITH.

W. F. Steighlitz, a well known gunsmith of Columbia testified that he repaired the magazine of Col. Tillman's German magazine pistol- which he identified -at the request of

### HON. F. H. DOMINICK

on the evening preceding the shooting, and that Mr. Dominick called for it on the morning of the shooting and he turned it over to him.

JNO. K. AULL.

WEDNESDAY'S SESSION.

Lexington, S.pt. 30.-The third day of the Tillman trial was taken up largely with the argument of legal points by the attorneys, though a good deal of evidence was introduced.

The court room was about three-fourth

Mrs Jas. H. Tillman and Col. Tillman' mother were in the court room

The main issue of the day was th fight on the admission of dying remarks made by Mr Gonzales In this contention the prosecution was victorious and the remarks were introduced. These statements the prosecution is endeavoring to get in as preliminary to the presentation of a formal ante-mortem statement from Mr. Gonzales which was reduced to

#### THE TESTIMONY.

Drs. B. W. Taylor and J. H. McIntosh vere replaced and testified as to the treatment. Dr McIntosh said just as little morphine as possible was given Mr. Gonzales because it was desired to keep his mind bright Possibly 12 injections were made. On the way to the hospital, in the ambulance Mr. Gonzales asked me if he was mortally wounded. I said, "Yes, I think you are mortally wounded." He said, "Yes, I believe he got me." Up to the time he was out under the influence of the anaesthetic I never saw a man in ich extreme danger clearer, cooler, or nore collected. When I first saw him he was in the extremest danger of death

M C. Wallace, who has been with the nechanical department of the State since 1891, was standing on Main street at the time of the shooting, and saw the parties immediately afterwards. Mr. Gonzales, can not live " I was the first to reach him after he was brought to the office. Cross examined he said he had never heard Mr. Gouzales express himself hostile to Mr. Tillman and did not know of any personal enmity.

J. A. Hoyt, Jr., associate editor of The State at the time of the shooting, first aw Mr Gonzales in the State office after he was shot. He was in intense pain. Mr. Gonzales said to me after his wife got there, "I was only afraid I would die before my wife got here. 1 He described to me the manner of his shooting. Mr. Hoyt was asked to state what Mr. Gonzales told him as to his condition. The defense objected on the ground that it was not admissible as a dying declaration. Judge Gary ruled as follows:

### DVING DECLARATIONS

The Court: If a man is in extremis, and being in extremis, and being in that condition is absolutely without hope, and Subsequently if hope is revived in his was revived in the mind of this man on the way to the hospital, if he was in The State office in extremis and without did not say something about two of our hope, the statement made there would

Col. Johnstone asked that the defense e given the privilege of arguing this p int before Judge Gary made his ruling and the point was argued at length, Col. Johnstone opening for the defense. Col. Johnstone eloquently and forcibly argued in order that his dying declaration be admissible. The attorneys for the prosecution held that Mr. Gonzales was without hope, at the time he made the statement to Mr Hoyt in the State office, and that, therefore, his statement was a dying declaration and admissible as such. In was going to die immediately, having only afraid I would die before my wife reached here " The attorneys for the defense held that it should not be admitted because death did not occur immediately, be present. That afterwards, even if Mr. Gonzales at that time believed he would

During the argument M. C Wallace

was recalled and stated that Dr. Griffith could not have given Mr. Gonzales any hope before Mr Hoyt reached him, Mr. Hoyt having preceded Dr. Griffith to the office. Mr Hoyt testified that he thought

Dr. Griffith reached the State office first. After a discussion upon the admission of Mr. Gonzales' statement to Mr. Hoyt a dying declaration, Judge Gary adhered to his ruling given above.

#### A DYING DECLARATION.

Mr. Hoyt, continuing, said that Mr. Gonzales, lying on the floor of the State office, said that he left the State office to go to dinner. That he was walking along Main street towards the State house. He got nearly to the railway transfer station when he saw Jim Tillman coming from the capitol with two men whom he didn't recognize. Several people were standing around. He saw that if he kept on his course that he would push against these men, and to avoid that he struck diagonally across the pavement towards the corner of the transfer station and as he was cutting across Tillman pulled a pistol and shot. He turned and faced him and said, "Shoot again, you coward, you have killed me." He looked Tillman in the face and Tillman held the pistol at him, but did not shoot. He said just about the time Tillman shot him that he said, "I have done what you said," "I have taken you at your word," or something like that. Asked by defendant's counsel as to his personal feelings towards Mr. Tillman, Mr Hoyt said he regarded Tillman as the man who had killed his best friend, and if he harbored vengeance towards any man he must harbor vengeance towards him. Asked if before the election he regarded Mr. Tillman as a liar and blackgaard, he said yes. Is there any denunciatory term too strong that you could apply to him now? None, answered Mr. Hoyt

Dr. C. W. Barron, of Columbia, a brother-in-law of the deceased editor stated that when he got to the hospital he saw Mr. Gonzales and that his mind was clear, He saw the statement made and heard Mr Gonzales state that it was his dying

Dr J. W. Babcock, of Columbia, was alled in while Mr. Gonzales was lying vounded in the State office. Mr. Gon zales told him he was suffering great agony and asked him to do something more for him. Dr. Babcock on the stand read the notes which he had taken of Mr Gonzales' dying declaration, taken at the hospital. The declaration is practically the same as that given by Mr. Hoyt with this addition: Mr. Gonzales said that he ecognized Senator Talbird, and that he had met Mr. Tillman two days before it the lobby of the House.

The jury was excluded during an argunent upon the admissibility of Dr. Babcock's notes

The last witness on Wednesday was Mr. August Kohn, of the News and Cour ier, who was present at the time the dy ing declaration of Mr. Gonzales was made in the hospital just before the operation Mr. Kohn did not conclude his testimony on Wednesday.

### THURSDAY'S PROCEEDINGS.

[Special to Herald and News.] Lexington, S. C., October 1 - Today prosecution in reading the editorials in reference to Tillman which appeared in the State newspaper during last year. The object, I presume, is to show by reading all the editorials that the issue which Conzales made was not a personal sssue, but that Gonzales indicated Till man the candidate. The State is not likely to rest until Saturday if then. The end of the trial is not yet in sight. The crowd in the court house today dwindled to a mere hand full. The most decisive victory so far has been to the prosecution in the admission of Gonzales' lying statement

JNO. K. AULL. Lexington, S. C., October 1, 4.40 p. m. The reading of editorials by prosecution continues. J. K.-AUI,I.

LITTLE INTEREST IN LEXINGTON.

That the people of Lexington County are not taking much interest in the tria is shown by the very small attendance in the court room. There is a small army of newspaper men here, and the hotels are crowded

### PROVE IT ANYTIME

By the evidence of Newberry People.

The daily evidence citizens right here it home supply is proof sufficient to satisfy the greatest skeptic. No better p cof can be had Here is a case. Read

O C. Barton mill hand at the New

berry Cotton Mill says: "Doan's Kid ney Pills did me more good than any other medicine I ever used They cured me of backache after everything else had failed. I suffered with my back for several years and tried all kinds of medicine but it only got worse all the time. I have had to lose as much as two weeks at a time from work on account of the terrible pain in my back. At times I could not stand straight to save my life and I seemed to lose all use of my back while the constant dul heavy pain prevented me from sleeping or getting rest in any position and would get up in the morning fired to death, The kid was were discolored and too frequent in action so that I had to drag myself out of bed several time during a night. I tried everything could buy, rubbed on liniments, work plasters and took remedies but it was ust the same old backache and I thought would never get well. Seeing an ad vertisement about Doan's Kidney Pills I went to W. E Pelham & Son's drug store and got a box. They went at once to the right spot I used three boxes of them and my back ceased aching. had no bother with the kidneys and could get sound as d refreshing sleep at night. I attribute these results entirely to the use of Doan's Kidney Pills.

For sale by all dealers. Price 50 cents. Foster-Milborn Co. Remember the name -- Doans' and take GENERAL NEWS NOTES.

tems of More or Less Interest Condensed Outside the State.

Mrs. Jefferson Davis who has been quite ill continues to improge and it is now thought she will recover.

The two minute trotter is here in full truth. Not only Lou Dillon, but Major Del Mar, has done the trick.

where yellow fever is prevailing, says | ribs broken. the mosquito is the cause of the fever's spread.

The two French aeronauts who only About Four Hundred Trees of This made a successful trip in a balloon from Paris to England, have returned to their homes.

The first football casualty of the eason is reported from Chicago, where Augustus Becker, a student at Lake Forest, had his back broken.

President Roosevelt, bis family and official staff have returned to the White House at Washington from their summer vacation at Oyster

A severe storm has swept over the northern coast of Portugal. Two fishing boats, containing seventy two men, were wrecked and sixteen of the men were drowned.

Governor Jelks has signed the bill killing Sunday baseball in Alabanna and also the auti boycott bill, which was strenuously opposed to the lab ir unions of the State.

John Hubbard, a well known far mer, was found dead near Decatur, Ala., on Monday. He was an important witness in a law suit and rumors of foul play are heard.

Many members of the present Alabama legislature are said to be looking for places higher up in the state's service. Several promising gubernatorial candidates are among the members of the two houses.

Train on Cincionati Southern strikes a cow near Glen Mary, Tenn. and the train leaves the track and rolls down embankment. Engineer Parker killed and eight others of the crew injured.

At a meeting of republicans in Brooklyn Monday night Timothy Woodruff's slate was smashed and be the age of the great patriarchs a general melee followed. Policemen clubbed right and left before actly. By the aid of a microscope restoring order

Congressman Aikeo, says the Anderson Mail, will make an effort at the next session of Congress to secure have studied the matter more deeply on appropriation for a postoflice think that some of these trees must building at Anderson, there is no government building in Mr Aiken's

Senator Clay of Georgia has denied that he declared himself in favor of the nomination of Gorman for President by the Democrats, as was recently reported. Clark Howell, however, continues to pledge Georgia to the Maryland Senator.

The insistence of Premier Balfour on Lord Milner's acceptance of the colonial secretaryship in the British cabinet indicates that, as far as the colonial governing policy is concerned, the spirit of Chamberlain will still be potent in the ministry.

There is no hypocrisy about Lewis Nixon, at least. He announces that he is a caudidate for the Democratic nomination for Mayor of New York and that he will make a strong effort to secure the place. It would not be surprising if his bold stroke cut a path to victory for him through the stealthy politicians.

It is said that there was \$10,000 in currency or the train for Spartanburg being consigned to one of the banks of that city. The money was in one package and was made up of \$5 bills. It came in Tuesday morning having been recovered. Besides being mashed and twisted a bit the big lot of money was uninjured. It was handled by the Southern Express Company.

Col. M. P. Tribble, who has charge of the work of collecting the Confederate rolls of this State for the government, will next week start out on a trip over the entire State for the purpose of obtaining rolls of known and a remedy that has had the veterans that have not been sent him in Columbia. There are a large number of these rolls that should be Lung troubles without losing its great in Colonet Tribble's hands, and unless they are obtained at once, there will be some difficulty in getting many ordinary cough remedies made by druggists and others that are cheap and them accepted by the secretary of

Berlin lays claim to the distincof the world. He is a boy of 10. Nothing could make him attend by W. E. Pelham & Son.

sary to send him thither each day in charge of a policemen. charge of a policeman. This lasted for a week or so, and then he began to run away from home at night so that the policeman could not find him in the morning. To stop this practice he was locked up. One night he jumped from the window in the room where he was confined and lauded in street, thirty feet be-Dr. Guiteras, at Laredo, Tex., low, with his skull and most of his

### CEDARS OF LEBANON.

Historic Wood Still Alive.

There are only about four hundred of the cedars of Lebanon left. High up on the rocky slopes Hadrian sculptured his imperial anathema against all who should cut these sacred trees. The Maronito peasants almost wor ship them and call them the "Cedars of the Lord;" and a recent Governor of Lebanon has surrounded them by a great wall, so that the young shoots may not be injured by rov ing animals. Yet, their number grows less. But if the cedars are few in number, these few are of royal blood. They are not the largest of trees, though some of the trunks measure over forty feet around. Their beauty lies in the wide spreading limbs, which often cover a circle two or three handred feet in circumferonce Some are tall and symmetrical, with beautiful horizontal branches; others are guarled and knotted, with inviting seats in the great forks and charming beds on the thick foliage of the swinging boughs. The wood has a sweet odor, is very

hard and seldom decays. The vitality of the cedar is remarkable. A dead tree is never seen, except where lightning or the axe has been at work Often a great bough of one tree has grown into a neighbor and the two are so bound together that it is impossible to say which is the parent trunk Perhaps the unusual strength and vitality of the cedars are due to their slow growth. When a little sprout, hardly waist high, is said to be ten or fifteen or twenty years old one cannot help asking, What must of the grove? It is hard to tell ex-I have counted more than seven hundred rings on a bough only thirty inches in diameter. Those who be more than a thousand years old. Indeed there is nothing widely im probable in the thought that per

# New Store HAIR & HAVIRD

haps the Guardian, for instance, may

have been a young tree when Hiram

began cutting for the temple at Je

We are now ready to show the trading public the Best, Cheapest and Most Up-to-Date line of

# IN NEWBERRY,

Mrs. Hair having spent 2 weeks in the Northern markets selecting the stock by hand.

We Also Carry

DRY GOODS ...AND... NOTIONS.

We say get our Prices ..

... Before You Buy.

The Right Price Store. Summer Bros. Block, Lower Main Street

#### Caution! This is not a gentle word-but when

you think how liable you are not to purlargest sale of any medicine in the world since 1868 for the cure and treat-ment of Consumption and Throat and popularity all these years, you will be thankful we called your attention to Boschee's German Syrup. There are so good for light colds perhaps, but for severe Coughs, Bronchitis, Croup—and especially for Consumption, where there is difficult expectoration and coughing tion of having the champion trunct of the world. He is a boy of 10 during the nights and mornings, there is nothing like German Syrup. The 25 cent size has just been introduced this

# BIG SALE OF BRUSHES!

, For one week ONLY Oct. 3d to 9th inclusive, we offer a 20 per cent. discount on every brush in our store. This includes Tooth Brushes, Hair Bushes, Clothes Brushes, Nail Brushes, and all other kinds. We desire to sell every brush that we have in stock. Not that any of them are not desirable brushes. That isn't the reason at all. We want to sell these brushes; we bought them to sell; we didn't buy them for any other purpose We want to sell more of them than we are selling now, and we want to see, at this special price, how many we can sell in one week's time. It will be worth your while to buy a stock of brushes. Even if our tooth brush isn't entirely worn out, you had better get a new one during this sale.

Eutlymol Tooth Paste, is an elegant preparation for cleansing, whitening and preserving the teeth. It is the most perfect tooth preparation that we have ever handled. This paste is so smoothe that it cannot scratch even the softest enamel It is a happy medium; not foaming too much, or being too dry. It is just right. Price 25c. per tube.

Let us fill your prescriptions We do it as your physician wants

### Gilder & Weeks, Particular Pharmacists,

NEWBERRY, - S. C.

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Y QUE CASH CASE CASE This is no gambling scheme,

but is simply an inducement to buy your SHOES from us for the

CASH. We have placed in our window a box which

TWENTY DOLLARS. We will give a Key to this Box Free with every pair of Shoes sold at

\$1.00 or over. Two (2) Keys with every pair of Shoes sold at \$2.00 or over. Three (3) Keys with every pair of Shoes sold at \$3 00 or over. Only THREE Keys will open this box. When Keys bave all given out you may try your Key.

The first Key to unlock the box takes TEN DOLLARS. The second Key to unlock the box takes SIX DOLLARS. The third Key to unlock the box takes FOUR DOLLARS. No Key will be tried unless the tag is attached. No employe allowed o have a key. We do not know which key opens the box. We shall advertise in this paper when all the keys are taken and set a day and

nour so everybody will have an equal chance to try his Keys. Don't lose the Tag-1 he Key is worthless without it. We have the largest selection, the best quality, the most durable and stylish shoes that are manufactured of Leather and Iron, at prices which please everybody.

# KLETTNER,

## For Hall and Winter 1903.

We are abundantly prepared to supply your wants. Every department is being filled. Each day brings new attractions and honest merchandise, which guarantees permanent trades, happy and satis fied customers It's a hundred cents on the dollar to our



counts People want their money's worth and not so much lip music Sec our \$5 and \$6 Suits - Superb Brand, also bet-They are noted for workmanship Full and youths We call your attention to our May flower Shoes fo Ladies -- Beauti-

stock-guaranteed to wear, and Star Brand Shoes for

WOMEN'S

\$250

Keep an Eye on this Space ? Yours for business,

# S. J. WOOTEN

# The NEWBERRY WAREHOUSE CO....

Is ready to store Cotton and issue receipts for same which money can be obtained on

THE NEWBERRY WAREHOUSE CO.

I. O. O. F. PULASKI LODGE NO. 20. MEETS EVERY FRIDAY NIGHT at 7 30 o'c ock at their hall at the Graded School building. Visitors cordially invited.

J. S. SMITE, N. G.

T. O Stewart, Jr , Secretary.

GENUINE PERUVIAN GUANO. A Complete Natural Manure.

WE ARE AGENTS FOR THIS County for Genuine Peruwi Guano, which is a complete, we anced natural manure, con principal elements of pl most suitable conditions desiring to avail portunity to Guano should for same b

Cott to th alwa price

to us.